

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
March 27, 2012
6:30 p.m.

Alderman Winings moved that Board adjourn from the Discussion Session to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Goodman seconded the motion.

The motion passed unanimously on a roll call vote cast as follows: Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye.

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March 27, 2012
7:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, and Mark Winings

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the March 13, 2012 minutes, which were previously provided to the Board.

Alderman Harris moved to approve the March 13, 2012 minutes. Alderman Goodman seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

ANNUAL REPORT OF PLAN COMMISSION ACTIVITIES TO THE BOARD OF ALDERMEN

During calendar year 2011, the City's Plan Commission held multiple public hearings regarding amendments to the City's Zoning and Sign Regulations and considered several development projects as well as several requests for Conditional Use Permits. The Commission also continued their discussions regarding possible revisions to storm water mitigation and impervious coverage allowances for residential projects.

The Architectural Review Board considered the design and materials associated with several development projects, including new residential construction and commercial projects.

As required per Article IX. Section 2, of the Zoning Code, Susan Istenes, Director of Planning gave the Board of Aldermen a detailed presentation on the annual report that outlined the City of Clayton's Plan Commission activities for the year 2011.

AN ORDINANCE TO CONSIDER APPROVING A MODIFICATION TO THE OFF-STREET PARKING REGULATIONS AT 8225 CLAYTON ROAD

City Manager Owens reported that this is consideration of an ordinance to approve a request from Thomas A. Stern, President of Solon Gershman, Inc., property manager on behalf of St. Clair Investment Company, owner, for a modification to the City's Off-Street Parking and Loading Regulations to allow an expansion of medical use within the subject building.

The two-story building, located on the north side of Clayton Road across from the Galleria, currently contains a variety of uses, including retail, office and medical. 1,562 square feet of the second floor is occupied by Advanced Orthopedics. Advanced Orthopedics intends to relocate to 4,419 square feet on the first floor. Additionally, Sports Medicine & Training Center is expected to occupy the remaining 3,645 square feet of the first floor. According to Mr. Stern, the northern portion of the first floor has been vacant since 2007 and the southern portion of the first floor has been vacant for almost two years. Although not indicated, it is assumed that a regular office use will occupy the 1,562 vacated by Advanced Orthopedics.

Per Section 405.3620(11) "Off-Street Parking Regulations" of the City's Zoning Regulations, medical uses are required to provide parking at a ratio of one (1) space for each two hundred (200) gross square feet as follows: *"Buildings in which twenty percent (20%) or more of the gross area is occupied by members of the healing profession, one (1) parking space for each two hundred (200) square feet of the gross area used for this purpose."* Commercial uses (business, office, service and industrial) are required to provide parking at a ratio of one (1) space for each three hundred (300) gross square feet pursuant to Sec. 405.3620(12).

Section 405.3620(14) allows the Board of Aldermen to approve a "modification" to the parking requirements for "Mixed-use developments", provided that a parking study is submitted indicating that the same parking spaces would be utilized by "different uses at different times of the day." The parking study must be performed by a registered professional engineer experienced in traffic and parking studies. The current and proposed use of the subject building meets the Zoning Regulations definition of a "mixed-use building" because it will contain commercial (retail) and office uses.

On March 9, 2012, the City received a letter from Thomas A. Stern requesting a modification to the parking requirements for a mixed-use building and a parking study prepared by Brian Rensing, PTOE, Traffic Engineer with Crawford, Bunte & Brammeier. The study examined the existing parking demands as well as the demands associated with the proposed new tenants and the adequacy of the existing spaces. The engineer conducted parking occupancy counts on Monday, February 6, 2012, from 8:00 a.m. to 6:00 p.m. with occupancy recorded in half-hour intervals. These time periods represent the peak parking conditions for the existing uses. This observation resulted in the greatest demand occurring at 2:00 p.m., at which time approximately 66 percent of the spaces were utilized (40 of 61 total spaces). The engineer noted that the building experienced fairly consistent utilization from 9:00 a.m. to 4:30 p.m. with the percent utilization ranging from 44 to 66 percent. The parking study also noted that 11 spaces on the east side of the parking lot are leased on a voluntary basis to the Scholarship Foundation of St. Louis on a month-to-month basis. The leasing of these spaces was not required by the City at time of approval of the site plan for the Scholarship Foundation and is voluntary between the two parties. This lease arrangement is proposed to be terminated upon occupancy of the expanded medical use on the subject property.

Based on information provided by Advanced Orthopedics stating that they do not anticipate increasing the number of patients or staff associated with the office expansion, the engineer assumed the existing parking demand would be valid. The forecasted parking demand was based on guidance from The Urban Land Institute (ULI) *Shared Parking, 2nd Edition* manual and The Institute of Transportation Engineers (ITE) *Parking Generation, 4th Edition* manual.

Crawford, Bunte & Brammeier concluded that the existing parking supply of sixty-one (61) spaces will meet the forecasted peak parking needs of fifty-two (52) spaces based on the proposed uses, which represents a utilization rate of 85 percent. This compares to the number of spaces required by the City's Zoning Regulations, based on the proposed uses, which would be sixty-nine (69) spaces.

Staff concurs with the recommendations contained in the parking study and finds the methodology and assumptions built into determining the forecasted demand to be representative of standard practices for these types of studies.

Staff supports the expansion of medical uses in this building based on the criteria and analysis contained in the parking study. However, the building must remain mixed-use containing commercial and office uses; otherwise, the right of the property owner to maintain a reduced number of off-street parking spaces would be lost. Recommendation is to approve the ordinance.

Alderman Goodman introduced Bill No. 6312 to consider an ordinance to approve shared parking at 8225 Clayton Road to be read for the first time by title only. Alderman Harris seconded.

Mr. Tom Stern, President of Solon Gershman, Inc, approached the Board to answer any questions.

City Attorney O'Keefe reads Bill No. 6312, an ordinance to consider approving an amendment to Section 405.3620(11) "Off-Street Parking Regulations" of the City's Zoning Regulations for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Goodman introduced Bill No. 6312 to consider an ordinance to approve shared parking at 8225 Clayton Road to be read for the second time by title only. Alderman Harris seconded.

City Attorney O'Keefe reads Bill No. 6312, an ordinance to approve an amendment to Section 405.3620(11) "Off-Street Parking Regulations" of the City's Zoning Regulations for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6195 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE ASSIGNMENT OF THE LEASE FOR # 1 OAK KNOLL PARK FROM THE CLAYTON CHILD CENTER TO THE CLAYTON EARLY CHILDHOOD CENTER

City Manager Owens reported that earlier this year, the Clayton Child Center notified the City of Clayton that they intended to close their operation at the end of this school year. Parents of children attending the school approached the city and expressed interest in forming a new organization that would continue offering Early Childhood Education at the site. To that end, the parents formed a Board of Directors and proposed conditions for the assignment of the existing lease to the newly formed Clayton Early Childhood Center (CECC). Upon consideration by the City of Clayton it has been determined that this use is compatible with the other users of the park and that the proposed conditions for continuing this lease are in the best interest of the city.

The elements of the assignment are:

- As of the effective date, the Clayton Child Center will assign and transfer to the Clayton Early Childhood Center all of its rights and obligations under the existing lease.

- Once the lease is transferred to the new organization, an amended and restated lease will be developed that will include the following terms:
 1. An initial five year term with a five year extension.
 2. During the first seven months no lease payments will be required.
 3. In year 1 (2013), the lease payment will be set at \$2,500/month.
 4. In year 2 (2014), the lease payment will be set at \$5,000/month.
 5. In years 3 – 5 (2015 – 2017), the lease payment will be set at \$7,500/month.
 6. Capital improvements will be made by CECC in a mutually agreed plan in first five years paid by CECC; if lease is not renewed for five year extension at the end of the first term, the City will reimburse the organization for 50% of these costs.
 7. The CECC will reimburse the City for 50% of the costs for a new playground on the existing playground site north of the child center. The City will ensure that playground specifications meet all current licensing requirements and will be constructed by December 2013. The estimated price range for the playground is \$150,000 to \$250,000 and will be similar in design to that installed recently in Shaw Park.
- All other terms of the lease related to insurance, parking and usage will remain in effect.

Recommendation is to approve the ordinance authorizing the assignment of the lease for #1 Oak Knoll Park from the Clayton Child Center to the Clayton Early Education Center.

Alderman Goodman introduced Bill No. 6313 to consider an ordinance to approve a lease assignment for the Oak Knoll Park Child Care Facility to be read for the first time by title only. Alderman Harris seconded.

Patty DeForrest acknowledged that some of the parents of children that attend the facility were in the audience.

Mr. Barry Casen-Coplin, a parent whose children attend the Oak Knoll Child Care Center, addressed the Board explaining that when he and some of the parents heard of the news that the Center was closing they grouped together and formed a new organization in hopes of taking over the current facility. He thanked the City staff for meeting and working with him to make it possible.

Mayor Goldstein complimented Mr. Coplin and his group on their hard work in creating the new organization.

In response to Alderman Garnholz's question, Mr. Coplin said that the new organization has made arrangements for Jan Hoffner to be the director. He said that Ms. Hoffner has been with the former child care center since 1985 and with Oak Knoll for the past 12 years.

In response to Mayor Goldstein's question, Mr. Coplin said that there would not be any interruption of services during the transition.

City Attorney O'Keefe reads Bill No. 6313, an ordinance providing for the assignment of the lease for property located at #1 Oak Knoll Park from the Clayton Child Center to the Clayton Early Childhood Center for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Goodman introduced Bill No. 6313 to consider an ordinance to approve a lease assignment for the Oak Knoll Park Child Care Facility to be read for the second time by title only. Alderman Harris seconded.

The motion passed unanimously on a voice vote.

City Attorney O'Keefe reads Bill No. 6313, an ordinance providing for the assignment of the lease for property located at #1 Oak Knoll Park from the Clayton Child Center to the Clayton Early Childhood Center for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6196 of the City of Clayton.

A RESOLUTION TO CONSIDER AUTHORIZING AN EXTENSION OF EXPANDED OUTDOOR DINING

City Manager Owens reported that this is a resolution to extend the moratorium on Architectural Review Board requirements and design regulations for an additional expanded outdoor dining season beginning May 1 through November 15, 2012.

The moratorium has been renewed annually for the past eight seasons. On June 22, 2004, the Board of Aldermen approved a moratorium related to the Outdoor Dining Standards for a test period of three (3) months, which allowed restaurants to expand outdoor dining during the evening hours without approval by the Architectural Review Board and without adherence to the standard outdoor dining requirements. The standard outdoor dining requirements, which are waived as part of this program, include Architectural Review Board approval of the layout and furniture material, pedestrian barriers and the issuance of an annual Outdoor Dining Permit (including the \$100 application fee).

While the expanded outdoor dining eliminates Architectural Review Board approval and waives certain requirements of the Outdoor Dining Standards to provide for more generous use of City sidewalks in the evening, the following rules apply:

1. Site drawings are to be submitted to the City's Planning Department before the beginning of each season depicting the front of the building, sidewalk, curb, location of pedestrian clearance and placement of tables/chairs prior to implementation. Sidewalk clearance for pedestrian access must be a straight path no less than four (4) feet in width.
2. Furniture type needs to be specified by the applicant and approved by the Planning Department. White resin is not allowed.
3. Trash containers must be provided and kept emptied. Trash should not overflow onto the ground and the ground should be kept clean from food materials.
4. Permitted hours of operation are from 6:00 p.m. until restaurant or outdoor seating closing, whichever is earlier, Monday through Thursday, and from 5:00 p.m. until restaurant or outdoor seating closing, whichever is earlier, Friday through Sunday.
5. Furniture must be placed in front of the restaurant establishment only unless the restaurant has written permission of the adjacent property's building owner(s) and tenant(s). Plans for the additional tables and signed permission must be submitted and approved by the City Planning Department prior to use of the adjacent property. The restaurant must

remove the tables prior to 7:30 a.m. and follow the approved hours of operation as set forth in Item No. 4.

6. Liability insurance naming the City of Clayton as an additional insured in the amount of \$2,000,000 for any accident or occurrence resulting in bodily harm or death and \$2,000,000 for property damage insurance covering liability must remain in full force and effect during the course of the outdoor dining period for the entire space of the dining area, including adjacent properties, if applicable.

In 2009, on the recommendation of the City Attorney, the Board adopted a resolution to improve record keeping and to enhance enforcement of the extension requirements. Staff desires to continue to offer this opportunity to our restaurant constituents again this year; however, staff does not recommend making this a permanent amendment to the Outdoor Dining Standards because we still have concerns about pedestrian accessibility. In preparation for the 2013 outdoor dining season, staff will be performing a comprehensive review of the City's outdoor dining program to include expanded outdoor dining. Staff will return to the Board in the near future with formal recommendations regarding sidewalk space for safe pedestrian accessibility and enforcement methods during the expanded outdoor dining hours.

Last season, three (3) restaurants participated in this program (Pomme Restaurant/Pomme Café & Wine Bar on North Central Avenue and Wasabi Sushi Bar on South Central Avenue). One of these restaurants also participates in the regular outdoor dining program. Judging from the number of outdoor dining patrons at these restaurants in the evening, the expanded outdoor dining appears to be successful and staff anticipates continued participation.

Recommendation is to approve a resolution extending the moratorium on Architectural Review Board regulations regarding expanded outdoor dining until November 15, 2012, per the specifications contained in this memorandum.

Alderman Goodman moved to approve Resolution No. 12-9, extension of the expanded outdoor dining. Alderman Harris seconded.

The motion passed unanimously on a voice vote.

Other

Mayor Goldstein commented that this is a busy week noting the Women's History Month reception was scheduled for March 28, 5:00 p.m. at Roxanne's, the MYAC and Clayton School District PTO was hosting the Candidate's Forum on March 28, 7:00 p.m. at Clayton High School, and Aldermen Lichtenfeld and Goodman's farewell reception was scheduled for March 29, 5:30 p.m. at The St. Louis Artist's Guild.

There being no further regular business the meeting adjourned at 7:20 p.m.

Mayor

ATTEST:

City Clerk